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R E M A R K S

Claims 3, 10-11, and 13-21 have previously been canceled. Applicants cancel claims 1-2, 4-9, 12, and 22-25 and add claims 26-53 to clearly recite the features of the invention. No new matter has been added.

The Examiner withdrew claims 4-8 from consideration as being directed to an invention that was distinct from the invention constructively elected by originally presentation. Applicants reserve the right to file a continuation and/or divisional application directed to any constructively non-elected invention.

Claims 1, 2, 9, 12, 22, and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 570,890 to Baird. Applicants present claims 26-53 to more clearly recite the features of the invention as distinguished from the cited reference.

Baird describes a freely rotating joint attached to the ceiling of a room or a stable to allow a water hose attached thereto to be rotated around for washing a carriage. It can be seen from both the drawings as well as the description in Baird that the joint is designed to allow the swing arm to freely rotate in response to the applied force from the flexible hose. Baird illustrates an element H around a collar at an end of section F that screws onto a flange E—which is a male counterpart to section F—and, thus, connects the flange E to section F, and forming swing joint C. Baird describes hose Q being connected to extension K, which is, in turn, connected to section F. Therefore, Baird only describes the male counterpart, flange E, being connected to the permanent water line. And Baird only describes an external collar element that engages external threads of the male counterpart, flange E. Furthermore, Baird only describes a freely-rotating joint, and does not disclose any joint that retains its rotational position. Indeed, Baird describes using a distinct assembly that includes extension K, reach-pipe N, rod O, and turnbuckle P for

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proper position retention, and, thus, teaches away from a swivel joint that retains rotational position.

In other words, Baird, as cited and relied upon by the Examiner, does not disclose,

"[a] swivel joint for an attachment on an end of a fixed domestic water line wherein said attachment is selected from the group consisting of a shower head assembly, a laundry faucet arm, a bathroom faucet arm and a kitchen faucet arm, said swivel joint comprising:

a first member having an externally milled tapered barrel;
a second member having an internally milled and complementarily tapered barrel wherein the second member is adapted for attachment to the end of the fixed domestic water line; and

a collar that is rotatably engaged with the first member and receives the milled barrel of the second member within said collar and is adjustably engaged with a screw thread disposed externally on the second member whereby unaided manual adjustment of the collar enables the tightening of the swivel joint to an operative condition and wherein the first member and the collar are rotatably engaged with a friction surface therebetween;

wherein said second member accommodates said first member in a relatively rotatable and leak-proof relationship in said operative condition whereby the attachment can be manually swiveled with respect to the water line and retain a position to which it is swiveled without the need for further adjustment of the collar," as recited in claim 26. (Emphasis added)

Advantageously, the claimed invention provides for the manual pivoting of the swivel joint while retaining the swivel joint in its desired position in the operating condition. This feature is particularly highlighted in the exemplary embodiment of the swivel joint to a showerhead assembly. In a showerhead assembly, it will be readily appreciated that a user may want to reorient the showerhead without the need for the use of tools or even more preferably without the use of any tightening or loosening of a collar in order to obtain the desired position and effect from the rose. The present invention insofar as it applies to a showerhead enables the user to simply reposition or reorient the rose without the need to adjust the collar, either for

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loosening or tightening of the swivel joint. The swivel joint is designed to allow for the manual reorientation of the rose without adjustment of the collar.

Accordingly, Applicants respectfully submit that claim 26, together with claims 27-33 dependent therefrom, is patentable over Baird for at least the foregoing reasons. Claims 34, 41, and 48 incorporate features that correspond to those of claim 26 cited above, and are, therefore, together with claims 35-40, 42-47, and 49-53 dependent therefrom, respectively, patentable over Baird for at least the same reasons.

Claims 1, 9, 12, 22, and 24 were also rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,058,935 to Eidsmore. Again, Applicants present claims 26-53 to more clearly recite the features of the invention as distinguished from the cited reference.

Eidsmore only describes a fixed coupling that provides for the rigid connection of two tubes. The coupling is not configured to allow for the relative rotation of the respective tubes. In the background of the invention described in Eidsmore, it is stated that the coupling is for use in ultra high vacuum applications. The respective elements of the coupling are provided with surfaces for engagement by tightening tools to enable the tapered barrels to be pressed into fixed engagement rather than rotating engagement. This can be seen also by the coarse thread used to join the respective nut members. This fitting is adapted to be tightened to the point at which there is prevented relative rotation between the elements of the coupling. This is described clearly in the abstract of Eidsmore.

Thus, Eidsmore, as cited and relied upon by the Examiner, does not disclose,

"[a] swivel joint for an attachment on an end of a fixed domestic water line wherein said attachment is selected from the group consisting of a shower head assembly, a laundry faucet arm, a bathroom faucet arm and a kitchen faucet arm, said swivel joint

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comprising:

a first member having an externally milled tapered barrel;
a second member having an internally milled and
complementarily tapered barrel wherein the second member is
adapted for attachment to the end of the fixed domestic water line;
and

a collar that is rotatably engaged with the first member and
receives the milled barrel of the second member within said collar
and is adjustably engaged with a screw thread disposed externally
on the second member whereby unaided manual adjustment of the
collar enables the tightening of the swivel joint to an operative
condition and wherein the first member and the collar are rotatably
engaged with a friction surface therebetween;

wherein said second member accommodates said first
member in a relatively rotatable and leak-proof relationship in said
operative condition whereby the attachment can be manually
swiveled with respect to the water line and retain a position to
which it is swiveled without the need for further adjustment of the
collar," as recited in claim 26. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 26, together with claims 27-33 dependent therefrom, is patentable over Eidsmore for at least the foregoing reasons. Claims 34, 41, and 48 incorporate features that correspond to those of claim 26 cited above, and are, therefore, together with claims 35-40, 42-47, and 49-53 dependent therefrom, respectively, patentable over Eidsmore for at least the same reasons.

Claim 25 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,102,449 to Welsh.

Welsh describes a sealing device for a connector, particularly for use in capillary applications such as chromatography devices. The device shown in Welsh is of highly complex construction and generally unsuited for domestic plumbing applications such as shower assemblies and faucet arms. In addition, the fluid connector is designed for use at high temperatures and to provide a fluid tight seal. There is no disclosure in Welsh that the connector permits relative rotation of the elements of the connector.

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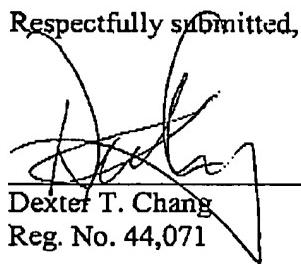
Thus, Applicants respectfully submit that claims 26-53 are patentable over Welsh for at least the above-described reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any fee due with this paper to Deposit Account 50-1290.

Respectfully submitted,


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